

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ADRIANA HAYES,)	
)	CIVIL ACTION
Plaintiff,)	
)	FILE NO.
v.)	
)	
TRANSWORLD SYSTEMS, INC.,)	
)	
Defendant.)	

COMPLAINT FOR DAMAGES

COMES NOW, ADRIANA HAYES, Plaintiff in the above-styled civil action, and files this, her Complaint for Damages against Defendant TRANSWORLD SYSTEMS, INC., pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 *et. seq.* In support thereof, Plaintiff respectfully shows this honorable Court as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
2. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), as the acts and transactions giving rise to Plaintiff's claims occurred in this

district, Plaintiff resides in this district and Defendant transacts business in this district.

PARTIES

3. Plaintiff, Adriana Hayes (“Plaintiff”), is a natural person who at all relevant times resided in the state of Georgia in this district.
4. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692(a)(3).
5. Defendant, Transworld Systems, Inc. (“Defendant”) is a Pennsylvania corporation that all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. § 1692a(5).
6. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

7. Plaintiff, Adriana Hayes, is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.
8. Plaintiff’s obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction in which the money, property, insurance, or services that are the subject of

the transaction were incurred primarily for personal, family, or household purposes, namely, an alleged student loan (the "Debt").

9. Plaintiff incurred the obligation to a creditor other than Defendant.

10. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

11. In connection with the collection of the Debt, Defendant initiated communication with Plaintiff on or about January 5, 2015.

12. Defendant made contact with the Plaintiff over the telephone, and an agent asked Plaintiff to enter into a rehabilitation program and Plaintiff explained that she could not because she is a single, unemployed mother of three small children. The Defendant agent then responded by telling Plaintiff that if she doesn't pay then they can take legal action against her.

13. Defendant's calls to Plaintiff were not for the purpose of advising Plaintiff that its further efforts to collect the Debt were being terminated.

14. Defendant's calls to Plaintiff were not for the purpose of notifying Plaintiff that Defendant or the creditor of the Debt may invoke specified remedies that are ordinarily invoked by Defendant or the creditor.

15. Defendant's calls to Plaintiff were not for the purpose of notifying Plaintiff of its intention, or the intention of the creditor of the Debt, to invoke a specified remedy.

COUNT I

VIOLATION OF 15 U.S.C. § 1692e(10)

16. Plaintiff repeats and re-alleges each and every allegation contained above.

17. Defendant, having called Plaintiff and threaten her with legal action if she did not pay her loan, is in violation of 15 U.S.C. § 1692e(10).

TRIAL BY JURY

18. Plaintiff is entitled to and hereby demands a trial by jury.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- (a) Adjudging that Defendant violated 15 U.S.C. § 1692e(10);
- (b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. § 1692k(a)(1), in the amount of \$1,000.00;

- (c) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action pursuant to 15 U.S.C. § 1692k(a)(3);
- (d) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- (e) Awarding such other and further relief as the Court may deem just and proper.

Dated: May 28, 2015.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis R. Kurz", is written over a horizontal line.

DENNIS R. KURZ

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